

REMARKS

Entry of the amendments is respectfully requested. Claims 1, 2, 4, 7, 8, and 11-24 are pending in the application. Claim 1 has been amended. Favorable reconsideration and allowance of this application are respectfully requested in light of the foregoing amendments and the remarks that follow.

1. Claim Rejections under 35 U.S.C. §112

In the Office Action, the Examiner has rejected claims 1, 2, 4, 7, 8, and 11-24 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In rejecting the claims under 35 U.S.C. §112, first paragraph, the Examiner asserts that “even if Applicants appear to be describing a woven fabric, ..., Applicants’ specification does not teach the specific structure claimed as all woven fabric are not necessarily, for example, formed of a number of threads that are oriented in respective planes that are generally perpendicular to a plane of the fabric and that are parallel to one another and wherein the planes associated with the warp threads are generally transverse to the planes associated with the weft threads generally throughout the fabric.” The Examiner then concludes that the limitations of claims 1, 11, and 18 directed to defining the fabric called for therein as having a woven pattern of alternating warp and weft threads as comprising new matter. Although Applicant has amended claim 1 to clarify that which is called for therein, Applicant respectfully disagrees that which is called for in the pending claims is not adequately disclosed in the pending application.

The disclosure of a specification is entitled to the breadth afforded thereto by those of ordinary skill in the art. As admitted by the Examiner, the specification is replete with reference to the warp and weft threads associated with the formation of the fabric. Page 2, lines 1-2 of the specification further disclose that, in preferred embodiments, the fabric warp and weft threads are oriented in a linen or twill weave. The specification further discloses “Alternating [the warp and weft threads] according to the present invention is understood to mean both, for example, a sequence of two types of thread A and B as ... A-B-A-B ..., but also ...A-A-B-A-A-B... and, for example, for three types of thread A, B, and C, sequences such as ...A-B-C-A-B-C..., but also ...A-B-C-B-A-B-C-B-A... or other patterns having thread arrangements which repeat regularly in

the fabric.” Pg. 3, ll. 20-25. The specification further discloses the performance of the respective threads with respect the lateral and axial directions relative to the axis of the respective threads. Pg. 4, ll. 1-3.

Contrary to the Examiner’s assertion, the specification, as filed, includes more disclosure than is necessary to support the claimed orientation of the warp and weft threads with respect to one another and with respect to the press pad. The Examiner asserts that “although Applicants recite that the claimed structure further clarifies a woven fabric, a woven fabric is not specifically claimed in Applicants’ specification as originally filed.” Contrary to such an assertion, the woven nature of the press pad fabric is explicitly referenced at seven (7) times in the specification as determined by use of the variants of the term “weave”. As discussed further below with respect to the §132 Declaration enclosed herewith, the terms weave, warp, and weft connote an understanding that is readily appreciated by those skilled in the art as compared to non-woven fabric such as knitted materials. See, e.g., attached ESPE Declaration, paragraphs 3-7. A woven material having warp and weft threads that are oriented generally parallel or transverse to one another as presently claimed is one readily understood configuration of the respective warp and weft threads of a woven material.

The Examiner’s assertion that the “specification does not teach the specific structure claimed as all woven fabric are not necessarily, for example, formed by a number of threads that are oriented in respective planes that are generally perpendicular to the plane of the fabric and that are parallel to the one another and wherein the planes associated with the warp and weft threads are generally transverse to the planes associated with the weft threads generally throughout the fabric woven fabric” fails to support the Examiner’s position. That is, the assertion above evidences that the disclosure of the application supports a greater breadth than is currently defined by the present claims. One skilled in the art would readily appreciate that one woven fabric, such as a linen or twill weave, includes a number of threads that are oriented in crossing directions that are generally transverse to one another and, by the nature of the material as being woven (as compared to a knitted material), that the crossing threads are orientated in the manner defined by the pending claims. Therefore, at least for the reasons set forth above,

Applicant believes that which is called for in the pending claims is in compliance with the requirements of the 35 U.S.C. §112. Accordingly, Applicant respectfully requests that §112 rejection be withdrawn.

2. Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 1, 2, 4, 7, 8, and 11-24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Espe, U.S. Publication No. 2001/0029139 (the '139 publication) in view of Best, EP No. 1040910, with U.S. Patent No. 6,342,457 (the '457 patent) cited as the translation of EP No. 1040910. Applicant respectfully disagrees and requests entry and favorable consideration of the attached §132 Declaration by Dr. Espe.

Each of the pending claims defines a woven press pad material having 1) a number of warp and weft threads that are oriented in crossing directions and woven together; 2) that the threads have a core and sheath construction; 3) that one or more of the warp and weft be formed with threads having different elasticity's but similar outer diameters. A press pad constructed in such a manner is not taught or suggested by the art of record.

As evidenced in the attached §132 Declaration executed by Dr. Rolf Espe, the inventor of the above-captioned matter as well as the sole named inventor of the '139 Publication, the disclosure of '139 Publication and the '457 Patent do not lead a person having ordinary skill in the art to the presently claimed press pad construction. See, e.g., Espe Declaration, paragraphs 8-15. As evidenced specifically at paragraph 8 of Dr. Espe's Declaration, with respect to prior art, a pad constructed in accordance with the present invention exhibits unexpected results of compensation properties as well, unexpected local and punctual difference compensation, in addition to unexpected relaxation performance. As evidenced as paragraph 9, Dr. Espe, being a person having ordinary skill in the art, also believes the results would be unexpected to others having similar skill.

Paragraph 12 of the Espe Declaration further evidences the understanding from the disclosure of the '457 Patent that the '457 Patent teaches away from providing a pad having a woven construction in disclosing a knitted pad construction to resolve to the issues associated

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with known woven press pad constructions. As evidenced by the Espe Declaration, a press pad constructed according to the present invention yields unexpected results and is constructed in a manner that directly contradicts the teaching of the '457 Patent. Accordingly, Applicant believes claims 1, 2, 4, 7, 8, and 11-24 are patentably distinct over the art of record.

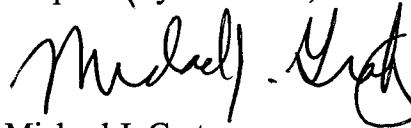
CONCLUSION

It is submitted that claims 1, 2, 4, 7, 8, and 11-24 are in compliance with 35 U.S.C. §§ 112 and 103 and each defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fees are believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the director is authorized to charge any fee or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite the prosecution and allowance of this application.

Respectively submitted,



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